



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

DA 03-638
Released: March 18, 2003

**WIRELESS TELECOMMUNICATIONS BUREAU
ANNOUNCES ACTION ON RESPONSES TO PUBLIC NOTICE
REGARDING ITFS, MDS, AND MMDS
PENDING LEGAL MATTERS**

On October 18, 2002, the Wireless Telecommunications Bureau (WTB) released a Public Notice¹ (*October Public Notice*) in which it sought to ensure that it had a complete and accurate listing of all pending legal matters in the Instructional Television Fixed Service (ITFS), the Multipoint Distribution Service (MDS), and the Multichannel Multipoint Distribution Service (MMDS). An Appendix (*October Appendix*) containing a list of all of the pending ITFS, MDS, and MMDS cases was attached to the *October Public Notice*. The *October Appendix* indicated the name of the applicant/licensee, the file number/call sign, the pleading type and filing date, the name of the petitioner, if not the applicant, and whether the file was complete. WTB required that all ITFS, MDS, and MMDS licensees, applicants, and other parties with pending pleadings relating to these services review and verify the information contained in the *October Appendix*. For legal matters with a filing date before March 25, 2002, WTB required that licensees, applicants, and other parties with pending pleadings respond in writing by December 17, 2002 if they desired that WTB continue processing these matters.

Appendix A to this Public Notice contains a list of those legal matters with a filing date prior to March 25, 2002 where the applicant/licensee (or petitioner, if the petitioner is not the applicant or licensee) did not respond to the *October Public Notice*. In the *October Public Notice*, WTB indicated, "For any legal matter for which written affirmations requesting further processing have not been received, those legal matters will be dismissed with prejudice." Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i) and Section 21.28(d) and 73.3568(a)(1) of the Commission's Rules, 47 C.F.R. §§ 21.28 (d), 73.3568(a)(1), the legal matters listed in Appendix A to this Public Notice ARE HEREBY DISMISSED WITH PREJUDICE.

WTB also requested petitioners of legal matters pending before the Bureau to review the list of pending matters in the *October Appendix*. If a pending matter was omitted from the *October Appendix*, WTB required petitioners to submit two date-stamped copies of the omitted petition or filing by December 17, 2002 if the petitioner desired to continue prosecuting the filing. After our review of these files, we have determined that the cases listed in Appendix B to this Public Notice are all the valid pending legal matters that are contained in WTB's records.

¹ Wireless Telecommunications Bureau Seeks to Verify ITFS, MDS, and MMDS Pending Legal Matters, *Public Notice*, DA 02-2752, 67 Fed. Reg. 69529 (2002) (*October Public Notice*).

With respect to other requests to add legal matters to its list of pending legal matters, the WTB notes that in many instances, the respondent, but not the petitioner, submitted legal matters. In those cases, we are not adding those matters to our list of pending legal matters because the petitioner did not express interest in prosecuting the matter.

For all questions relating to this Public Notice, contact Gregory Vadas, Esq., Policy and Rules Branch, at (202) 418-0680.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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